

CHAIN INSTALLER PERMIT APPLICATION / RELEASE OF LIABILITY

TR-0106 (REV. 09/2006)

The applicant hereby applies for a permit to install and remove tire chains on motor vehicles during the snow season on assigned State Routes.

Name _____

Mailing Address _____

Business Telephone No. _____

Social Security No. _____

Driver's License No. / CA I.D. No. _____ Birthdate _____

Business License No(s). _____ County _____

Chaining Area _____

PERMIT NO.**FOR OFFICIAL USE ONLY**

Fee: \$164.00

DATE:

Bib: \$ __.00

COLLECTED BY:

Total fee
paid: \$ _____

Any dishonored checks will be considered as a violation of the permit and will be an automatic one year suspension.

If you have an existing permit or have submitted an application in another District provide the following:

District _____ Permit # _____

☐ Pending

I have read, understand and agree to the CHAIN INSTALLER'S CONDUCT AND WORKMANSHIP CONDITIONS contained herein, and I agree to comply with all provisions and conditions of this Chain Installer Permit Application / Release of Liability and the Chain Installer Permit issued to me. Any failure to do so will result in suspension or revocation of my chain installer's permit. I have also read, understand and agree to the INDEMNIFICATION and ASSUMPTION OF RISK AND RELEASE OF LIABILITY provisions contained herein.

INDEMNIFICATION: I hereby agree to indemnify and save harmless the State of California, its officers, directors, agents, employees, contractors, subcontractors and each of them (STATE) from and against any and all claims, demands, causes of action, damages, costs, expenses, actual attorney's fees, judgments, losses and liabilities of every kind and nature whatsoever (CLAIMS) arising out of or in connection with the issuance and/or use of this permit for: 1) bodily injury and/or death to persons including but not limited to myself, STATE, and the public; and 2) damages to property of anyone. Except as provided by law, the indemnification provisions stated above shall apply regardless of the existence or degree of negligence or fault of STATE.

ASSUMPTION OF RISK AND RELEASE OF LIABILITY: I understand that working as a chain installer carries with it certain risks including, but not limited to, serious bodily injury and/or death resulting from being struck by moving motor vehicles. To the maximum extent allowed by law, and in consideration for permission to work as a chain installer, I hereby knowingly and expressly assume all such risks, and I, on behalf of myself and my heirs and assigns, agree to, and I do hereby, release and hold harmless STATE, and waive all CLAIMS against STATE, for: 1) any and all loss, damages, injury and/or death arising out of or in connection with the issuance or use of this permit; and 2) any and all loss, damages, injury and/or death arising out of or related to my work as a chain installer. The assumption of risk and release of liability provisions stated above shall apply only to STATE and, except as provided by law, shall apply regardless of the existence or degree of negligence or fault of STATE.

I UNDERSTAND THAT THE INTENT AND EFFECT OF THIS DOCUMENT IS TO RELEASE STATE FROM LIABILITY FOR ANY PERSONAL INJURIES OR DEATH THAT OCCUR TO ME WHILE WORKING AS A CHAIN INSTALLER, EVEN IF CAUSED BY STATE'S OWN NEGLIGENCE OR FAULT.

APPLICANT'S SIGNATURE

DATE



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**DEPARTMENT OF TRANSPORTATION ENCROACHMENT PERMIT
CHAIN INSTALLER'S CONDUCT AND WORKMANSHIP CONDITIONS**

In accordance with Section 670 of the Streets and Highways Code, permission is hereby granted to install and remove tire chains for compensation within the State's Highway rights-of-way when required by the Department, relating to the safe and orderly movement of traffic, for the safe operation of the highways. The permittee shall operate in compliance with Section 670 of the Streets and Highways Code and all provisions of this Encroachment Permit and the Chain Installer Permit Application/Release of Liability he/she executed including the Conduct and Workmanship Conditions stated herein, and shall conform to all other applicable State and local laws. If the county or other political subdivision within which the permittee intends to install chains requires the permittee to have a business license in order to collect fees for doing this work, such business license shall be obtained by the permittee and the license must be presented before this Encroachment Permit will become valid for use. **This Permit may be suspended or revoked as provided in these Conduct and Workmanship Conditions, for non-compliance with any of the provisions of this Encroachment Permit or the Chain Installer Permit Application/Release of Liability executed to obtain this permit, at any time by any Departmental representative or the California Highway Patrol. The permittee shall surrender, upon demand by any Departmental representative or the California Highway Patrol, their chain installer permit and chain installer identification bib.** Failure to comply shall be cause for denial of any future chain installer permits.

Prior to issuance of a permit, all chain installer applicants shall attend a mandatory chain installer orientation class, pass a written test, and demonstrate knowledge of snow tire identification and proficiency in tire chain installation. Failure to attend the mandatory chain installer orientation class, shall result in permanent revocation. The number of permits available for issuance is limited. First consideration shall be given to prior applicants of the previous winter season, providing their permits were not suspended for more than 30 days or revoked during the previous winter season.

Any permits suspended near the end of the winter season, and/or if the suspension is found to be ineffective at the time so ordered in the opinion of the District Permit Engineer, may be applied to the next winter season if so stated in the letter of suspension to the permittee.

Appeals of any punitive action taken against a chain installer permittee, shall be submitted in writing within 5 business days to the District Permit Engineer at:

A written decision shall be rendered within 10 business days from the receipt of the written appeal. The District Permit Engineer's written decision may be appealed in writing within 5 business days, to the District Director in which the permit was issued. The District Director's decision shall be rendered in writing within 10 working days from the receipt of the appeal, and this decision is final. **(There are no further administrative rights of appeal.)**

Penalties noted in this permit are minimums. Severe penalties may be imposed for any infraction of Permit Conditions if warranted by the circumstances, or by the permittee's conduct.

All permit fees paid to the Department of Transportation are nonrefundable

1. When installing, removing, repairing or modifying tire chains, the permittee shall display a sign (measuring a minimum of 12" x 24" up to a maximum of 18" x 36") advising motorists in advance of their fee for providing these services, and their bib number. The letters shall be a minimum of four inches high with a minimum brush stroke of 5/8". A permittee failing to display this sign, and/or display of any other type of advertising sign other than this required sign will be issued a warning, and shall cease work until the unauthorized display is removed.

2. The permittee shall be in possession of a receipt book and shall issue one when requested by a motorist. The receipt shall show the permittee's name, bib number, the type of work performed (installing, removing, repairing, modifying tire chains), and the fee charged for the work. A permittee failing to issue a receipt for services provided when requested, shall be suspended for 7 days.

3. This Permit is non-transferable, only the person to whom it was issued is to perform the services authorized herein, and shall have it in their possession at all times when performing said services. This Permit shall be presented for inspection upon demand by any departmental representative, the California Highway Patrol, or any local law enforcement personnel. A warning will be issued to any permittee found to be working without their permit in their immediate possession, they shall cease work immediately, and surrender their identifying bib, until their permit can be produced to regain their identifying bib.

4. Any person found working under a permit not issued to them, and any permittee allowing such use, shall immediately surrender the permit. And, neither individual will be eligible for issuance of a chain installer permit for a minimum of one year.

5. A colored bib containing the permittee's identifying number will be issued along with this permit. **THIS BIB IS THE PROPERTY OF THE DEPARTMENT.** The bib shall be worn in plain sight in a legible manner at all times by the permittee while performing the services specified herein. A permittee found to be working without their bib being clearly legible, shall be issued a warning, and shall cease all work until their bib and identifying number are made clearly visible.

6. Loss of a permittee's permit or identification bib shall be immediately reported to the Department's district office that issued the permit. Application for a duplicate permit or identification bib may be made during normal business hours. A duplicate permit will be issued upon payment of the administrative fee (equal to one hour multiplied by the Standard Hourly Rate). A replacement bib will be issued upon payment of the administrative fee plus the cost of the bib itself.

7. A permittee may only park a single vehicle within the State's highway rights-of-way in the area designated by the Department or the California Highway Patrol, and only during the time the permittee is engaged in activities authorized by this permit. Parking on State conventional highways in similarly designated areas shall conform with the applicable provision of the Vehicle Code. If a permittee's vehicle is parked in a location or manner that interferes or impedes with highway traffic, snow removal equipment, or parked on any freeway ramp or taper, the permittee shall be suspended for 7 days.

8. Permittees are not allowed in the lanes maintained for through traffic. A permittee shall remain in the area designated for installation or removal of tire chains. Any interference, stopping, or controlling of traffic by flagging, signs, arm movements, the waving of signs or lights, etc., impeding the orderly movement of traffic caused by a permittee shall result in a suspension for 7 days.

9. Vending or renting of tire chains, tire chain accessories, or other items or products upon any State highway rights-of-way by a permittee is strictly prohibited. A permittee offering to sell or rent tire chains or other items, or who accepts money for the sale or rental of tire chains or other items, shall immediately surrender his/her permit and identification bib and shall be ineligible for issuance of a chain installer permit for a minimum of one year. Such a permittee may be subject to prosecution for violation of the law (Streets and Highways Code Section 731) prohibiting vending on State highways.

10. Permittees shall conduct their business in a professional and courteous manner. A permittee found to display poor workmanship in installing chains, giving misleading statements concerning the necessity for altering chains, misrepresenting any conditions or requirements regarding chain regulations, or causing complaints relative to his/her conduct shall be issued a warning. These violations may result in suspension or revocation of permit privileges, depending on the circumstances of the incident and the conduct of the permittee. A permittee presenting any form of threat of violence toward any person or property while involved in the activities related to this permit shall immediately surrender his/her permit and identification bib and he/she shall be permanently ineligible for issuance of a chain installer permit.

11. Permittees shall wear yellow, orange or lime colored raingear. A permittee found working without proper rain gear will be issued a warning, and shall immediately cease work, surrender his/her permit, and identification bib. Work may resume when the permittee is equipped with the proper rain gear and has regained their permit and identification bib.

12. Permittees shall only work in established chain installing areas. A permittee found working in an area other than the established area will be suspended for the winter season and shall immediately surrender his/her permit and identification bib.

13. Permittees shall be 18 years of age or older. A permittee found to have obtained his/her permit by falsifying their age shall immediately surrender their permit and identification bib. And, shall not be eligible for issuance of a chain installer permit for a period of one-year extending beyond the date they attain 18 years of age.

14. A permittee maintaining an open fire or littering on the highway right of way shall be issued a warning.

15. A permittee may apply for a second chain installer permit in another district, provided there is no established waiting list.

16. Unless surrendered, suspended or revoked as provided in the Permit package conditions, a permit shall expire on June 30 in the year following its issuance.

17. A permittee shall not use any work lights in a manner that would impact motorists on the highway or the snow clearing equipment operators.